

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 21-mj-147

AZEL HALL and VICTORIA ARMSTEAD

Defendants

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

COUNT 1

On or about September 21, 2021, in the Western District of New York, and elsewhere, the defendants, **AZEL HALL** and **VICTORIA ARMSTEAD**, did knowingly, willfully and unlawfully combine, conspire and agree together and with others, known and unknown, to commit the following offenses, that is, to possess with intent to distribute, and to distribute, a quantity of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about the date of September 21, 2021, in the Western District of New York, the defendants, **AZEL HALL** and **VICTORIA ARMSTEAD** did knowingly, intentionally and unlawfully possess with intent to distribute, and distribute, a quantity of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to and signed telephonically.

Date: September 22, 2021

City and State: Buffalo, New York


Complainant's signature

Paul F. McMahon
TASK FORCE OFFICER
DRUG ENFORCEMENT ADMINISTRATION


Printed name and title


Judge's signature

HONORABLE H. KENNETH SCHROEDER JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

PAUL MCMAHON, being duly sworn, deposes and says:

1. I am a Task Force Officer (TFO) of the Drug Enforcement Administration (DEA) and a Police Officer employed by the Erie County Sheriff's Office for the past 14 years. I have been assigned as a narcotics officer since March 2016. I began my assignment as a TFO with the DEA in the Buffalo Resident Office on March 14, 2016. I am presently assigned to the DEA Task Force, and as such I am an "investigative or law enforcement officer" of the United States within, the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 21, United States Code, Section 801, et seq.

2. During my law enforcement career, I have participated in numerous investigations targeting individuals engaging in the trafficking and distribution of narcotics. Based on my training, experience in law enforcement, and conversations with DEA Special Agents (SA's) and Task Force Officers (TFO's), and other law enforcement officers, I am familiar with how controlled substances are cultivated, manufactured, processed, packaged, distributed, sold and used by individuals involved in drug trafficking activities, and how drug

traffickers use electronic communications to facilitate their illegal activities. As a result of my training and experience, I am familiar with the language, conduct and customs of people engaged in narcotics transactions conspiracies. My investigative experience, as well as the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. I make this Affidavit in support of an application for a Criminal Complaint charging **AZEL HALL and VICTORIA ARMSTEAD** with violating Title 21, United States Code, Sections 846 and 841(a)(1), and Title 18, United States Code, Section 2 relating to possession with intent to distribute and conspiracy to distribute N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl). This information is based upon my review of the Town of Hamburg Police Department police reports, related accusatory instruments, and other documents, as well as conversations with law enforcement officers regarding the arrest of **HALL and ARMSTEAD** on September 21, 2021. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have only set forth facts that I believe are necessary to establish probable cause to demonstrate that **HALL and ARMSTEAD** violated the above listed offenses.

4. On September 19, 2021, the Town of Hamburg responded to a first aid call in the Town of Hamburg where a male was found deceased on the floor of his bedroom from a suspected drug overdose.

5. Town of Hamburg police officers and detectives recovered the deceased male's cellular telephone and examined it. They recovered a series of text messages dated September 18, 2021, between the deceased male's phone and telephone number 716-812-88** which was under the contact name "Azel 1799 Genesee". Through several investigative resources it was determined that the telephone number was being utilized by **AZEL HALL**, date of birth 05/**/1989. The text message exchange revealed that the deceased male was inquiring about purchasing heroin from **HALL**, which concluded with him saying he was on his way to deliver it.

6. The deceased male's mother stated that she saw an orange or rust colored car pull into their driveway on September 18, 2021, and a black male exited the vehicle and spoke with the deceased briefly in the garage before leaving.

7. On September 21, 2021, Town of Hamburg Narcotics Officer Nick Borowski, using the deceased male's phone, engaged in a text conversation with the "Azel 1799 Genesee" contact. The conversation, in sum and substance, was about **HALL** delivering heroin to the deceased male's address just as he did on September 18, 2021. **HALL** agreed.

8. At approximately 1:00pm on September 21, 2021, surveillance was set up in the area of the deceased male's address due to this being the meet location on September 18, 2021. At approximately 2:00pm NY Registration KRE961, a gray 2012 Chevy Malibu was observed pulling into the driveway of the deceased male's residence. As the passenger of the vehicle exited both occupants were detained. The driver was identified as **VICTORIA**

ARMSTEAD, date of birth 7-**-1990. The front seat passenger was identified as **AZEL HALL**. Town of Hamburg Detective Jeff Bullard confirmed that the deceased male's phone that Narcotics Officer Nick Borowski was using to communicate with contact "Azel 1799 Genesee" was in fact the phone that the passenger **AZEL HALL** had in his hand while he was exiting the vehicle. **HALL** and **ARMSTEAD** were both given their Miranda warnings on scene by Town of Hamburg Narcotics Officer Dave Jasinski with Narcotics Officer Nick Borowski witnessing. **ARMSTEAD** was found to possess approximately 3.9 grams of fentanyl on her person. The field test of the suspected fentanyl tested positive for fentanyl.

9. **HALL** was interviewed at the Town of Hamburg police station. **HALL** stated that he saw **VICTORIA ARMSTEAD** at the Shoppers Market on the corner of Burgard and Genesee Street in Buffalo, NY. **HALL** then said that he got her attention and told her that he has a guy looking for "some stuff". **HALL** said that **ARMSTEAD** went and retrieved the "dope". **HALL** stated that **ARMSTEAD** then came back and picked him up in her vehicle. **HALL** then said that she drove him out to the deceased male's residence. **HALL** said that he is just a "middle-man". **HALL** said that he was to get \$400 from the deceased for the "dope". **HALL** also admitted that he sold the deceased either \$100 or \$160 worth of "dope" a few days ago and that it was approximately 1 gram of dope.

10. **HALL** and **ARMSTEAD** were held on NYS Penal Law charges 110-220.39-1, 220.03, 220.16-1, and 220.09-1.

WHEREFORE, based on the foregoing, your affiant respectfully submits that probable cause exists to believe that **AZEL HALL and VICTORIA ARMSTEAD** has violated Title 21, United States Code, Sections 846, 841(a)(1), and Title 18, United States Code, Section 2.



PAUL MCMAHON
Task Force Officer
Drug Enforcement Administration

Sworn to before me telephonically

on this 22nd day of September, 2021.



HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE